

**AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S.S.N. 10/522,595**

Remarks

The present invention is directed to chemical compositions. Claims 1-46 have been previously cancelled. Claims 47 and 49-55 have been amended. By entry of this amendment, claims 47-57 are pending.

Rejections under 35 U.S.C. §112, 1st paragraph

Claims 49-57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection as it applies to the amended claims.

The Examiner rejects these claims because of the term "prodrug" used therein. The claims have been amended to delete this term. Withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 47-49, 51-52 and 56 have been rejected under 35 U.S.C. §102(b) for being anticipated by Fukata et al., Yakugaku Zasshi (1974), 94(1), p.36-43 ("Fukata"). Applicants respectfully traverse this rejection as it applies to the amended claims.

The claims have been amended to delete that -N(R5)- is "selected from -N(H)-". All of the compounds cited by the Examiner are characterized with a >NH moiety at the N-1 position of the pyrazole ring. Since the claimed compounds do not have a >NH moiety at this position, Fukata fails to anticipate the claimed compounds. Withdrawal of this rejection is respectfully requested.

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Rejections under 35 U.S.C. §103

Claims 47-49, 51-53, 55 and 56 have been rejected under 35 U.S.C. §103(a) for being anticipated by U.S. Patent No. 6,831,079 to Yoon et al. ("Yoon"). Applicants respectfully traverse this rejection as it applies to the amended claims.

The specific compound referred to by the Examiner is disclosed as example 53 in column 50 of Yoon. This compound is used as a starting material for the production of the substituted benzodiazepines that are disclosed by Yoon. Yoon teaches that these substituted benzodiazepines possess vasopressin agonist activity.

Contrary to the Examiner's suggestion, example 53 is not disclosed as a pharmacologically active compound, but merely a starting material for the pharmacologically active compounds (the substituted benzodiazepines) disclosed therein. In support of this position, there is no activity data presented for compound 53, and therefore there is no teaching or suggestion that this compound would have any biological activity. Furthermore, even if one were to mistakenly attribute activity to this pyrazole compound, the activity would be the vasopressin agonist activity of the substituted benzodiazepines of Yoon. As disclosed on column 8, lines 50-56, the potential therapeutic conditions to be treated by the substituted benzodiazepines are not analogous to those taught for the compounds of the present invention which involve the modulation of MIF cytokine. Accordingly, as Yoon does not provide any motivation to make the pyrazole base compounds (for modulating MIF cytokine) of the present invention, Yoon fails to render the claimed compositions obvious. Withdrawal of this rejection is respectfully requested.

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Conclusions

Applicants submit that the response herein provides a complete response to the Office Action dated April 29, 2009.

If the Examiner believes there are other issues that may be resolved by telephone interview, or that there are any informalities remaining in the application that may be corrected by Examiner's Amendment, a telephone call to the undersigned is respectfully solicited.

No additional fees are believed due, however the Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment of fees to Deposit Account number 11-0980.

Respectfully submitted,



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